

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

CITY OF BANGOR, MAINE,)	
)	
Plaintiff,)	Civil Action No. 02-183-B-S
)	
v.)	
)	
CITIZENS COMMUNICATIONS COMPANY,)	
)	
Defendant & Third-Party Plaintiff,)	
)	
v.)	
)	
BARRETT PAVING MATERIALS, INC., et al.,)	
)	

Third-Party Defendants.

**DEFENDANT, CITIZENS COMMUNICATION COMPANY'S, PRELIMINARY
DESIGNATION OF EXPERT WITNESSES**

NOW COMES Defendant Citizens Communications Company and, pursuant to this Court's Amended Scheduling Order of August 14, 2003, submits its preliminary designation of expert witnesses. In accordance with the Scheduling Order, Defendant Citizens Communications Company reserves the right to supplement this designation by December 1, 2003 by adding or deleting witnesses or by expanding or contracting the scope of their proposed opinions.

I. Wanda Ratliff, Stephen J. Kelley
Haley & Aldrich
465 Medford Street, Suite 2200
Boston MA 01129-1400

Ms. Ratliff is an environmental geologist and Mr. Kelley is an environmental scientist employed by Haley & Aldrich. Copies of their resumes are attached as Exhibits 1 and 2.

Ms. Ratliff is a Vice-President of Haley & Aldrich at its Massachusetts offices. She has been a Licensed Site Professional by the State of Massachusetts since 1993. She has an extensive background of more than 20 years in the environmental/hazardous waste industry and has been involved in the management of remediation projects in New England, as well as identification of environmental liabilities and the associated costs involved in the strategic planning, development and implementation of management programs. She has managed state and federal Superfund sites over the past 17 years. Since 1985, Ms. Ratliff has been involved with manufactured gas plant program management and all of the facets of environmental response, including investigation, risk management, remediation, liability assessment, litigation support, and costs recovery.

Mr. Kelley is a Senior Environmental Geologist in the Portland, Maine, office of Haley & Aldrich. He is a State of Maine Certified Geologist, State of Maine Certified Soil Scientist, and a State of Maine Licensed Site Evaluator with more than 25 years experience in field services, assessments, evaluations, and investigations and supervision of remediation of site projects. His work background includes projects in Waterville, Biddeford, Peaks Island, Scarborough, Paris, Winthrop, Gorham and Lewiston, Maine. His experience includes work relating to both coal tar contamination assessment and remediation of former manufactured gas sites.

Ms. Ratliff and Mr. Kelley have reviewed the work done by RMT, the environmental consultant hired by the City of Bangor. They have provided comments concerning RMT's work. A copy of their comments is attached to this designation as Exhibit 3.

Citizens expects Ms. Ratliff and/or Mr. Kelley to offer opinion testimony consistent with the comments contained in Exhibit 3. In particular, the Defendant expects that Ms. Ratliff and/or

Mr. Kelley will offer opinion testimony concerning the nature and extent of the sediment contamination in Dunnett's Cove and their view that RMT's estimate of the size of the contamination appears vastly over-estimated in light of the existing data. They will also offer the opinion that significant reliance on odor and visual observations to support the conclusion that the contamination in Dunnett's Cove is tar is inappropriate.

The Defendant also expects Ms. Ratliff and/or Mr. Kelley to offer the opinion that there has been an inadequate investigation of potential alternative sources of PAHs. In addition, Haley & Aldrich is in the process of completing field work at the site and Defendant expects that they may offer testimony concerning the work they have done and the results they have obtained.

II. Andrew C. Middleton PhD, PE, DEE
Corporate Solutions, LLC
1501 Ardmore Blvd
Pittsburgh, PA 15221

Dr. Middleton is a registered professional engineer who has spent 25 years working for and studying the operations of coal, coke, and tar facilities and MGP's. A copy of Dr. Middleton's resume is attached as Exhibit 4.

Dr. Middleton holds his doctorate in Environmental Engineering with an educational background in Sanitary Engineering and Civil Engineering. He has extensive experience in the area of manufactured gas sites including being a co-author/editor of the 1984 Handbook on Manufactured Gas Plant Sites. He is one of the principals in the Gas Research Institute Manufactured Gas program, and is a principal in the development of the probabilistic cost estimation model for manufactured gas sites. He has consulted with utilities in both the United States and Canada and been involved with more than 150 manufactured gas plant sites. Dr. Middleton has provided senior consulting services in areas of environmental management, risk characterization and management, site assessment and remediation, and wastewater treatment.

He has an extensive knowledge of manufactured gas sites history and operations. He has developed and implemented cost efficient remediation plans.

Defendant expects that Dr. Middleton will provide expert testimony concerning the chronology of events related to the Bangor Gas Works and the Penobscot River. The Defendant further expects that Dr. Middleton will offer an opinion concerning Bangor Gas Works' generation, treatment, and recycling of process wastewater as well as tar production and disposition, including the tar's value as a commercial product. Dr. Middleton will also offer testimony about other potential sources of tar in the River including road tars used in Bangor to tar the City's streets.

III. Glen C. Gustafson, Ph.D.
Environmental Image Group
244 Funkhauser Road
McGaheysville, VA 22840

Dr. Gustafson has spent several decades in the fields of remote sensing and interpretation of aerial photographs. A copy of Dr. Gustafson's resume is attached at Exhibit 5.

Dr. Gustafson holds his doctorate in Geography, Remote Sensing with an educational background in Geomorphological Mapping from Aerial Photography and Geography. He has worked as an image interpretation consultant for environmental litigation and military intelligence clients for the past 20 years. He is also a professor in James Madison University's Department of Integrated Science and Technology. His professional background includes classified U.S. Air Force military service as an aerial photograph interpreter and interpretation of aerial photography during the Cuban missile crisis.

Dr. Gustafson has reviewed aerial photographs of the Bangor Gas Works and the waterfront area dating back to 1939. Dr. Gustafson will testify about his review, analysis and interpretation of selected areas within these photographs, including the City's tar tanks.

IV. Edward L. Hawes, Ph.D.

Historian
18 McLellan Street
Brunswick, Maine 04011

Dr. Hawes holds his doctorate in history and is a Professor Emeritus of the University of Illinois at Springfield. His background includes providing historical technical reports on an extensive and varied nature of topics including mitigation and National Register data of an impacted area prepared for the U.S. Army Corps of Engineers, water right of ways, sources of pollution in the Portland Harbor, family and community historical research. A copy of Dr. Hawes' resume is attached as Exhibit 6.

Dr. Hawes has conducted a review of pertinent records of the City of Bangor as well as the pertinent records located at Bangor City Library, the Fogler Library at the University of Maine at Orono, the State of Maine Archives, and the City of Bangor Fire Department. Defendant Citizens may call Dr. Hawes to offer testimony concerning key events in the history of the City including significant fires and floods and the City's history as a significant commercial and industrial port.

V. Stephen Emsbo-Mattingly, Allen D. Uhler, Ph.D.

Battelle
397 Washington Street
Duxbury, MA 02332

Dr. Uhler is a Senior Consultant with the Environmental Forensics Investigation Group of Battelle. Dr. Uhler holds his doctorate in chemistry and has over 15 years experience in the field of hydrocarbon chemistry with an emphasis on environmental forensics, including hydrocarbon analysis, petroleum and tar source identification, chemical finger-printing, and damage assessments. Dr. Uhler has developed methods for the measurement of tar- and petroleum-based hydrocarbons, and has conducted numerous investigations of the occurrence

and fate of coal and oil tars and petroleum in the aquatic and terrestrial environment. He has studied the analysis of hydrocarbons and other trace organic compounds in waters, soils, and sediments, and the use of numerical chemometric techniques to elucidate relationships between samples and suspected sources, differentiation of petroleum products in multiple input scenarios, evaluating weathering characteristics of hydrocarbons, and tracking hydrocarbon product transport in complex, contaminated environments. He is currently on the Editorial Board of the *Journal of Environmental Forensics*. A copy of Dr. Uhler's resume is attached as Exhibit 7.

Mr. Emsbo-Mattingly is a Principal Research Scientist with Batelle with thirteen years of environmental chemistry experience including the management of forensic chemistry projects throughout the United States involving the identification of fugitive products containing tar, petroleum, PCBs, and other anthropogenic materials, including manufactured gas plant sites, coking plants, and railroad operations. He has developed numerous analytical methods for source identification of petroleum, tar, PCBs, and other products based on marker compounds while with Batelle. He has utilized numerous forensic methods, including organic petrology, compound-specific isotope ratio mass spectrometry, hydrocarbon soluble metals, and Fourier transformed ion cyclotron resonance mass spectrometry, and interpretative techniques including chemometrics, geostatistical, and data visualization computer software tools. A copy of Mr. Mattingly's resume is attached as Exhibit 8.

Dr. Uhler and Mr. Mattingly are in the process of analyzing historic street pavement in Bangor, river sediment, sewer sediment, and hydrocarbon deposits located along the shoreline and in the vicinity of Dunnett's Cove. Citizens expects that they will offer testimony concerning the work they have done and the results they have obtained concerning the nature of the hydrocarbon chemistry of the materials in and around Dunnett's Cove .

**VI. John D. Tewhey, Ph.D.,
President**
Tewhey Associates
P.O. Box 238
Gorham, ME 04038

Dr. Tewhey is a certified geologist in Maine and California and has been certified as a professional hydrologist by the American Institute of Hydrology. Dr. Tewhey served on the Maine Board of Environmental Protection from 1995 to 2003. From February of 2000 to December of 2002, Dr. Tewhey served as the chairperson of the Board of Environmental Protection.

Dr. Tewhey has been to the Bangor Landing site. He has also read the materials prepared by RMT as well as Haley & Aldrich's review of RMT's investigative work. (Exhibit 3). The Defendant expects that Dr. Tewhey will offer the opinion that RMT's investigation appears to have been carried out in a unilateral manner that did not objectively consider alternative sources of PAH's to the Penobscot River. Dr. Tewhey is expected to offer the opinion that PAH's are present in sediments in rivers and estuarine environments and that the potential sources of PAH's are varied and diverse. A copy of Dr. Tewhey's resume is attached at Exhibit 9.

Dated at Portland, Maine, this 3rd day of November 2003.

Respectfully submitted,

/s/ Bruce W. Hepler

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, copies of the following document(s):

**DEFENDANT, CITIZENS COMMUNICATION COMPANY'S, PRELIMINARY
DESIGNATION OF EXPERT WITNESSES**

was(were) electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the attorney/parties of record who have registered as CM/ECF participants and;

The undersigned further certifies that on the date shown below, copies of the aforesaid documents were served by electronic mail upon all Service Attorneys listed in Attached Service Listing in accordance with the Second Amended Scheduling Order, dated August 14, 2003.

Dated at Portland, Maine this 3rd day of November 2003.

Respectfully submitted,

/s/ Bruce W. Hepler

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MAILING/SERVICE LISTINGS

As of: November 3, 2003

Re: *City of Bangor v. Citizens Communications Company v. Barrett Paving Materials Inc. et al*
 USDC, Maine – Civil Action No. 02-183-B-S

T: 2483.001 \ Mailing-Service Lists.doc

	PARTY/CONTACT INFORMATION	SERVICE LIST/ADDRESSES
1.	<p>City of Bangor Plaintiff</p> <p><i>William B. Devoe, Esquire</i> 1-947-0111 F: 942-3040 Assigned: 11/22/02 LEAD ATTORNEY ATTORNEY TO BE NOTICED</p> <p><i>P. Andrew Hamilton, Esquire</i> 947-0111</p> <p>Lead Attorney:</p> <p><i>W. Scott Laseter, Esquire</i> McKenna Long & Aldridge LLP 303 Peachtree Street NE, Suite 5300 Atlanta, GA 30308 (404) 527-4000</p>	<p><i>William B. Devoe, Esquire</i> Eaton Peabody Bradford & Veague Fleet Center 80 Exchange Street P.O. Box 1210 Bangor, ME 04402-1210</p> <p><i>W. Scott Laseter, Esquire</i> McKenna Long & Aldridge LLP 303 Peachtree Street NE, Suite 5300 Atlanta, GA 30308</p>
2.	<p>State of Maine Party In Interest <i>Per Order, Singal, J. – 8/6/03</i></p>	<p><i>Dennis Harnish, Esquire</i> Assistant Attorney General Department of the Attorney General 6 State House Station Augusta, ME 04333-0006 <i>Per Order, Singal, J. – 8/6/03</i></p>

<p>3.</p>	<p>Barrett Paving Materials, Inc. 3rd Party Δ</p> <p>John P. McVeigh, Esquire Preti Flaherty 791-3000 F: 791-3111 Jmcveigh@preti.com <i>Assigned: 06/09/03</i> <i>LEAD ATTORNEY</i> <i>ATTORNEY TO BE NOTICED</i></p> <p>David B. Van Slyke, Esquire Preti Flaherty DVanSlyke@preti.com Preti Flaherty Main – 791-3000</p>	<p>John P. McVeigh, Esquire Preti Flaherty Beliveau Pachios & Haley LLC One City Center P.O. Box 9546 <i>Portland ME 04112-9546</i></p>
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<p>5.</p>	<p>CenterPoint Energy Resources Inc. 3rd Party Δ</p> <p>Robert E. Hirshon, Esquire Assigned: 06/09/03 LEAD ATTORNEY ATTORNEY TO BE NOTICED Removed per Sherman Esq email 6/23/03</p> <p>David S. Sherman, Esquire Drummond Woodsum</p> <p>William L. Plouffe, Esquire</p> <p>Drummond Woodsum Motion to withdraw granted 10/27/03</p> <p>Drummond Woodsum Main - 772-1941</p> <p>Jones Day 77 West Wacker Drive Chicago, Illinois 60601 (312) 782-3939 F: (312) 782-8585</p> <p>Charles T. Wehland, Esquire Jones Day CTWehland@jonesday.com Direct: (312) 269-4388 Assigned: 06/10/03 LEAD ATTORNEY ATTORNEY TO BE NOTICED</p> <p>Laura M. Earl Jones Day LEarl@jonesday.com Direct: 312.269.4095</p> <p>Albert D. Sturtevant Jones Day Tel: 312.269.4094 Fax: 312.782.8585 adsturtevant@jonesday.com</p> <p>Jones Day Main – (312) 782-3939</p>	<p>David S. Sherman, Esquire Drummond Woodsum & MacMahon 245 Commercial Street P.O. Box 9781 Portland ME 04104-5081</p> <p>Charles T. Wehland, Esquire Jones & Day 77 West Wacker Drive, Suite 3500 Chicago IL 60601-1692</p>
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6.	<p>Dead River Company 3rd Party Δ</p> <p>Charles A. Harvey, Jr., Esquire 775-1300 F: 775-5639 Harvey@HarveyFrank.com Assigned: 06/09/03 LEAD ATTORNEY ATTORNEY TO BE NOTICED</p> <p>Robert S. Frank, Esquire 775-1300 F: 775-5639 Page: 450-3900 Frank@HarveyFrank.com</p>	<p><i>Robert S. Frank, Esquire</i> Harvey & Frank Two City Center, 4th Floor P.O. Box 126 Portland ME 04112-0126</p> <p><i>Charles A. Harvey, Jr., Esquire</i> Harvey & Frank Two City Center, 4th Floor P.O. Box 126 Portland ME 04112-0126</p>
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7.	<p>Guilford Transportation Industries, Inc. 3rd Party Δ</p> <p>Maine Central Railroad Company 3rd Party •</p> <p><i>Frederick J. Badger, Jr., Esquire</i> 1-945-5900 F: 1-945-0758 fbadger@rwlb.com Assigned: 06/10/03 ATTORNEY TO BE NOTICED</p> <p><i>Frederick F. Costlow, Esquire</i> Richardson Whitman Large & Badger One Merchant Plaza, Suite 603 P.O. Box 2429 Bangor ME 04402-2429</p> <p><i>Mary F. Kellogg, Esquire</i> Richardson Whitman Large & Badger One Merchant Plaza, Suite 603 P.O. Box 2429 Bangor ME 04402-2429</p> <p>Richardson Main – 1-945-5900</p> <p><i>Katherine E. Potter, Esquire</i> Staff Attorney Guilford Rail System Iron Horse Park No. Billerica, MA 01862 Direct line (978) 663-1215 F: (978)663-1213</p>	<p><i>Frederick J. Badger, Jr., Esquire</i> Richardson Whitman Large & Badger One Merchant Plaza, Suite 603 P.O. Box 2429 Bangor ME 04402-2429</p>
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9.	<p>Honeywell International Inc. 3rd Party Δ</p> <p>Sean Mahoney, Esquire Verrill & Dana LLP One Portland Square P.O. Box 586 Portland ME 04112-0586 774-4000 SMahoney@verrilldana.com Assigned: 07/02/03 LEAD ATTORNEY ATTORNEY TO BE NOTICED</p> <p>Gregory A. Bibler, Esquire (617) F: (617) 523-1231 Gbibler@GoodwinProcter.com Assigned: 06/05/03 LEAD ATTORNEY ATTORNEY TO BE NOTICED</p> <p>Robert L. Brennan, Esquire (617) 570-1513 F: (617) 523-1231 Rbrennan@GoodwinProcter.com</p> <p>David Himelfarb, Esquire DHimelfarb@GoodwinProcter.com (617) 570-1000 – Main</p>	<p>Sean Mahoney, Esquire Verrill & Dana LLP One Portland Square P.O. Box 586 <i>Portland ME 04112-0586</i></p> <p>Gregory A. Bibler, Esquire Goodwin Procter LLP Exchange Place Boston MA 02109</p>
10.	<p>North American Utilities Construction Corp. 3rd Party Δ</p>	

11.	<p>Northwestern Growth Corporation 3rd Party Δ</p> <p>Timothy H. Norton, Esquire 775-1020 F: 773-4895 THNorton@krz.com</p> <p>Timothy H. Norton, Esquire Advised no longer need be service attorney per email dtd 9/10/03</p> <p>Graydon F. Stevens, Esquire GStevens@krs.com LEAD ATTORNEY ATTORNEY TO BE NOTICED</p> <p>Thomas Knapp, Esquire Tom.Knapp@northwestern.com (202) 508-9561</p>	<p>Graydon F. Stevens, Esquire Kelly Rimmel & Zimmerman 53 Exchange Street P.O. Box 587 Portland ME 04112-0597</p>
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<p>15.</p>	<p>United States Army Corps of Engineers 3rd Party Δ</p> <p>U.S. Department of Justice</p> <p><u>Email/Facsimile for courtesy copies:</u></p> <p>Charles Quinlan, Esquire <i>Deleted per 9/30/03 email.</i></p> <p>Stephen E. Crowley, Esquire U.S. Department of Justice (202) 514-0165 F: (202) 514-2426 8865 per Docket 182 10/29/03</p> <p>Stephen.Crowley@usdoj.gov <i>Assigned: 06/16/03</i> <i>LEAD ATTORNEY</i> <i>ATTORNEY TO BE NOTICED</i></p> <p>“Commercial Carrier Overnight Only” Address for courtesy copies Stephen E. Crowley, Esquire US Department of Justice Environment & Natural Resources Division Environmental Defense Section 601 D Street, N.W., Suite 8000 per Docket 182 10/29/03 P.O. Box 23986 Washington DC 20026-39986</p> <p>Changed per Docket 182 10/29/03</p> <p><i>Added per 9/30/03 email</i> Michelle Delemarre, Esquire US Department of Justice P.O. Box 14271 Washington DC 20044-4271 (202) 616-4039</p> <p>John De Yampert, Esquire US Department of Justice US Department of Justice P.O. Box 14271 Washington DC 20044-4271 (202) 616-4022</p>	<p><i>Stephen E. Crowley, Esquire</i> U.S. Department of Justice Environment & Natural Resources Division Environmental Defense Section P.O. Box 23986 Washington DC 20026-39986</p>
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